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10/674,133	09/29/2003	Ronald P. Sansone	F-740	2498
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Pitney Bowes Inc. Intellectual Property and Technology Law Dept. 35 Waterview Drive P.O. Box 3000 Shelton, CT 06484		EXAMINER LIU, ERIC		
		ART UNIT 3628		PAPER NUMBER
		MAIL DATE 11/21/2007		DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/674,133

Applicant(s)

SANSONE ET AL.

Examiner

Eric Liou

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-2, 4, and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 7-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/11/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant has amended claims 1, 4, 9, 11, 16-17 and added claims 20-21. Claims 3 and 5-6 are canceled. Thus, claims 1-2, 4, and 7-21 remain pending and are presented for examination.

### ***Response to Arguments***

2. Applicant's arguments filed 9/19/07 have been fully considered but they are not persuasive.

3. Applicant argues, "Leon and/or Schwartz taken separately or together do not disclose or anticipate the step of charging a sender's meter located in the first country for postage for an authorized maximum number of business reply mail that is due to the second carrier for processing the business reply mail that is deposited by a recipient with the second carrier." Lee et al. (U.S. Patent 6,430,543) teaches the above-mentioned limitation. See art rejection below.

4. Applicant argues, "Leon does not disclose a method for paying for international business reply mail." The Examiner notes, Leon teaches a method for business reply mail. Schwartz teaches FedEx as a second carrier in a mailing system. It was old and well known in the art of the shipping industry that FedEx is an international shipping carrier that regularly ships between different countries. It is the combination of Leon in view of Schwartz and Official Notice that together teach a method for paying for international business reply mail. See art rejection below.

5. Applicant argues, Baer teaches counting the number of mail pieces for large amounts of incoming mail and not for counting the number of international business

reply mail pieces that are processed by the first and second carrier. The Examiner notes, Leon in view of Schwartz teaches the method for processing international business reply mail pieces that are processed by the first and second carrier as described in the art rejection below. Baer is relied upon only to teach the concept of counting the number of mail processed in a mailing system. It is the combination of Leon in view of Schwartz in view of Walker and further in view of Baer that teaches the limitations of claims 15-16.

6. Regarding claim 17, Applicant argues, "The art cited by the Examiner does not disclose or anticipate indicating on the international business reply mail an expiration date that the sender's meter will be charged for processing specific batches of international business reply mail." The Examiner respectfully disagrees. Leon in view of Schwartz teaches the method of paying for international business reply mail as described above and in the art rejection. Fredman teaches a time controlled prepaid delivery service for reply-mail that charges a sender's meter for processing mail anytime up to a predetermined expiration date (Fredman: Fig. 1; col. 2, lines 17-19 and 57-65; col. 4, lines 33-66). It is the combination of Leon in view of Schwartz and further in view of Fredman that teaches all of the limitations of claim 17.

7. With respect to the Official Notice taken in the previous office action, Examiner notes the following discussion of Official Notice taken from the MPEP:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next

Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (“[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings” to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

8. Applicant has not “specifically point[ed] out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.” For these reasons, the limitations for which Official Notice was taken in claims 1, 7, and 19 are considered to be admitted prior art because Applicant has not proffered an adequate traversal.

***Claim Objections***

9. The Examiner acknowledges amended claims 1, 4, and 17 and withdraws the previous objection.

***Claim Rejections - 35 USC § 112***

10. The Examiner acknowledges amended claims 9, 11, and 16 and withdraws the previous rejection.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-2, 4, 7-11, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon, U.S. Publication No. 2004/0064422 in view of Schwartz et al., U.S. Publication No. 2002/0073040 and further in view of Lee et al., U.S. Patent No. 6,430,543.

13. **As per claim 1**, Leon teaches a method for paying for international business reply mail that is processed by a second carrier located in a second country and a first carrier located in a first country, comprising the steps of:

charging a sender's meter located in the first country for postage that is due to the carrier for processing the business reply mail that is deposited by a recipient with the carrier (Leon: paragraphs 0031, 0101 and 0108);

charging a sender's meter located in the first country for postage that is due to the carrier for business reply mail that is received from the carrier and delivered to a party located in the first country (Leon: paragraphs 0031, 0101 and 0108);

paying the carrier the amount charged to the sender's meter for the carrier's postage (Leon: paragraphs: 0052 and 0081, "postal service account is credited").

14. Leon does not teach a second carrier, a second country, paying the second carrier the amount charged to the sender's meter for the second carrier postage, and charging for an authorized maximum number of mail.

15. Schwartz teaches FedEx is a second carrier that may be used in the mailing system and method (Schwartz: Figure 7, paragraphs 0010-0011, "FedEx" is a second

courier different from the postal authority.). Schwartz further teaches paying the second carrier the amount charged to the sender's meter for the second carrier postage (Schwartz: paragraphs 0010 and 0059). Schwartz does not teach sending mail between two countries (a second country). However, Official Notice is taken that it was old and well known in the art of the shipping industry that FedEx is an international shipping carrier that regularly ships between different countries. It would have been obvious to have modified Schwartz to include the teachings of Official Notice because shipping to multiple countries allows businesses to interact globally, that is, on a much larger scale than domestically.

16. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon to have included a second carrier and paying the second carrier the amount charged to the sender's meter for the second carrier postage as taught by Schwartz for the advantage of providing a method that enables the efficient shipment of international mail.

17. Leon in view of Schwartz does not teach charging for an authorized maximum number of mail.

18. Lee teaches a secure electronic manifest that includes a mail piece ID range for mail that will be processed (Lee: Fig. 3, "156"; col. 4, lines, 38-41; The Examiner notes, the upper-bound value of the ID range is the maximum number of mailpieces that will be processed in the batch. It is implied that the step of processing the mailpieces includes charging for each mailpiece in the batch.).

19. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz to

have included charging for an authorized maximum number of mail as taught by Lee for the advantage of generating funds for the post office for handling batch mail.

20. **As per claim 2**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 1 as described above. Leon further teaches the party is the sender (Leon: paragraph 0031).

21. **As per claim 4**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 1 as described above. Leon further teaches printing on the business reply mail an indication of the amount of postage charged to the sender's meter for the carrier's postage (Leon: paragraph 0070, "machine-readable portion 65", Figure 4, "65 reply", and paragraph 0099). Leon does not teach printing an indication of the amount of postage charged for the second carrier's postage.

22. Schwartz teaches printing an indication of the amount of postage charged for the second carrier's postage (Schwartz: Figure 7, "708" and paragraphs 0010-0011 and 0059).

23. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz and further in view of Lee to have included printing an indication of the amount of postage charged for the second carrier's postage as taught by Schwartz for the advantage of creating a record of the dues owed to a particular carrier (Schwartz: paragraphs 0059-0060).

24. **As per claim 7**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 1 as described above. Leon further teaches delivering an item containing the international business reply mail from a sender located in the first country



to a recipient (Leon: paragraphs 0031, 0105, and 0107). Leon does not teach the second country.

25. Schwartz teaches FedEx is a second carrier that may be used in the mailing system and method (Schwartz: Figure 7, paragraphs 0010-0011, "FedEx" is a second courier different from the postal authority.). Official Notice is taken that it was old and well known in the art of the shipping industry that FedEx is an international shipping carrier that regularly ships between different countries, i.e. a second country. It would have been obvious to have modified Schwartz to include the teachings of Official Notice because shipping to multiple countries allows businesses to interact globally, that is, on a much larger scale than domestically.

26. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz and further in view of Lee to have included a second country as taught by Schwartz and Official Notice for the advantage of providing a method that enables the efficient shipment of international mail.

27. **As per claim 8**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 7 as described above. Leon further teaches charging the sender's meter for delivering the item (Leon: paragraphs 0031, 0101, 0108, 0112, and 0122);

28. **As per claim 9**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 8 as described above. Leon further teaches printing on the item an indication of the amount of postage charged to the sender's meter for the carrier's postage (Leon: paragraph 0070, "machine-readable portion 65"; Figure 4, "65 reply", and

paragraph 0099). Leon does not teach printing an indication of the amount of postage charged for the second carrier's postage.

29. Schwartz teaches printing an indication of the amount of postage charged for the second carrier's postage (Schwartz: Figure 7, "708" and paragraphs 0010-0011 and 0059).

30. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz and further in view of Lee to have included printing an indication of the amount of postage charged for the second carrier's postage as taught by Schwartz for the advantage of creating a record of the dues owed to a particular carrier (Schwartz: paragraphs 0059-0060).

31. **As per claim 10**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 7 as described above. Leon further teaches paying the carrier the amount charged to the sender's meter for delivering the item (Leon: paragraphs 0031 and 0033, "debits the mailer's account for postage"). Leon does not teach paying the second carrier the amount charged.

32. Schwartz teaches paying the second carrier the amount charged (Schwartz: paragraph 0010).

33. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz and further in view of Lee to have included paying the second carrier the amount charged as taught by Schwartz for the advantage of compensating a carrier for services rendered to a sender.

34. **As per claim 11**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 7 as described above. Leon further teaches indicating on the item an amount of business reply mail that may be returned to the sender (Leon: Figure 4 and paragraph 0099 – The Examiner interprets the reply segment 75 to indicate that one business reply mail response may be returned to the sender).

35. **As per claim 18**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 1 as described above. Leon further teaches the sender's meter is a postage meter (Leon: Figure 6 and paragraph 0112).

36. **As per claim 19**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 1 as described above. Leon further teaches printing a country indicia on the business reply mail to indicate the amount of postage due to the carrier (Leon: paragraph 0070, "machine-readable portion 65", Figure 4, "65 reply", and paragraph 0099). Leon does not teach printing second country indicia on the mail to indicate the amount of postage due to the second carrier.

37. Schwartz teaches printing a second carrier indicia on the mail to indicate the amount of postage due to the second carrier (Schwartz: Figure 7, "708" and paragraphs 0010-0011, "FedEx" and 0059). Schwartz does not teach a second country indicia.

However, Official Notice is taken that it was old and well known in the art of the shipping industry that FedEx is an international shipping carrier that regularly ships between different countries. Therefore, the Examiner interprets the FedEx indicia (Schwartz: Figure 7, "708") to be the second country indicia. It would have been obvious to have modified Schwartz to include the teachings of Official Notice because shipping to

multiple countries allows businesses to interact globally, that is, on a much larger scale than domestically.

38. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz and further in view of Lee to have included printing a second carrier indicia on the mail to indicate the amount of postage due to the second carrier as taught by Schwartz for the advantage of creating a record of the dues owed to a particular carrier (Schwartz: paragraphs 0059-0060).

39. **As per claim 20**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 1 as described above. Leon teaches business reply mail as described above. Leon in view of Schwartz and further in view of Lee does not teach placing a number on the mail that indicates a maximum number of authorized mail that will be debited to the sender's meter.

40. Lee teaches a number indicating a maximum number of authorized mail that will be debited to the sender's meter (Lee: Fig. 3, "156"; col. 4, lines, 38-41; The Examiner notes, the upper-bound value of the ID range is the maximum number of mailpieces that will be processed in the batch. It is implied that the step of processing the mailpieces includes charging for each mailpiece in the batch.), but does not teach placing the number on the mail. However, it is noted that placing a number on the mail that indicates a maximum number of authorized mail is merely a recitation of non-functional descriptive material since there is no active step of reading, scanning, or using the number recited in the claim. Non-functional descriptive material cannot lend patentability to an invention that would have otherwise been anticipated by the prior art. See *In re Ngai*, 367 F.3d

1336, 1339; 70 USPQ2d 1862, 1864 (Fed. Cir. 2004); *cf. In re Gulack*, 703 F.2d 1381, 1385; 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

41. **As per claim 21**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 1 as described above. Leon teaches business reply mail as described above. Leon in view of Schwartz does not teach placing a first number on the mail that indicates a batch number of the mail; and placing a second number on the mail that indicates a maximum number of authorized mail that will be debited to the sender's meter.

42. Lee teaches placing a first number on the mail that indicates a batch number of the mail (Lee: Fig. 4, "158"; col. 4, lines 36-42; col. 5, lines 32-34).

43. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz and further in view of Lee to have included placing a first number on the mail that indicates a batch number of the mail as taught by Lee for the advantage of providing a record on a mailpiece envelope that allows one to visually track the progress of batch mail processing.

44. Lee teaches a second number indicating a maximum number of authorized mail that will be debited to the sender's meter (Lee: Fig. 3, "156"; col. 4, lines, 38-41; The Examiner notes, the upper-bound value of the ID range is the maximum number of mailpieces that will be processed in the batch. It is implied that the step of processing the mailpieces includes charging for each mailpiece in the batch.), but does not teach placing

the second number on the mail. However, it is noted that placing numbers on the business reply mail that indicate a maximum number of authorized business reply mail and a batch number are merely recitations of non-functional descriptive material since there is no active step of reading, scanning, or using the numbers recited in the claim. Non-functional descriptive material cannot lend patentability to an invention that would have otherwise been anticipated by the prior art. See *In re Ngai*, 367 F.3d 1336, 1339; 70 USPQ2d 1862, 1864 (Fed. Cir. 2004); cf. *In re Gulack*, 703 F.2d 1381, 1385; 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

45. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon, U.S. Publication No. 2004/0064422 in view of Schwartz et al., U.S. Publication No. 2002/0073040 in view of Lee et al., U.S. Patent No. 6,430,543 and further in view of Walker et al., U.S. Patent No. 6,978,248.

46. **As per claim 12**, Leon in view of Schwartz in view of Lee teaches the method of claim 11 as described above. Leon in view of Schwartz in view of Lee does not teach determining an expected business reply response factor for the business reply mailing.

47. Walker teaches determining an expected business reply response factor for the business reply mailing (Walker: column 11, lines 49-52, “response rate”).

48. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz in view of Lee to have included determining an expected business reply response factor for

the business reply mailing as taught by Walker for the advantage of providing an efficient and cost effective way of testing, selecting, and creating a mailing list that is appropriate to a business's needs (Walker: column 12, lines 20-23).

49. **As per claim 13**, Leon in view of Schwartz in view of Lee and further in view of Walker teaches the method of claim 12 as described above. Leon further teaches determining a cost of mailing the expected business reply responses (Leon: paragraphs 0031, 0101 and 0108 – The Examiner notes, charging the mailer suggests the prior step of determining a cost of mailing.).

50. **As per claim 14**, Leon in view of Schwartz in view of Lee and further in view of Walker teaches the method of claim 13 as described above. Leon further teaches charging the sender's meter for the cost of mailing the expected business reply responses (Leon: paragraphs 0031, 0101, 0108, 0112, and 0122).

51. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon, U.S. Publication No. 2004/0064422 in view of Schwartz et al., U.S. Publication No. 2002/0073040 in view of Lee et al., U.S. Patent No. 6,430,543 in view of Walker et al., U.S. Patent No. 6,978,248 and further in view of Baer et al., U.S. Patent No. 4,999,481.

52. **As per claim 15**, Leon in view of Schwartz in view of Lee and further in view of Walker teaches the method of claim 14 as described above. Leon in view of Schwartz teaches international business reply mail and the first and second carriers as described above. Leon in view of Schwartz in view of Lee and further in view of Walker does not teach counting the number of mail processed.

53. Baer teaches counting the number of mail processed (Baer: column 5, lines 48-50 and column 6, lines 42-44).

54. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz in view of Lee and further in view of Walker to have included counting the number of mail processed as taught by Baer for the advantage of maintaining a record for a batch of mail (Baer: column 6, lines 56-60).

55. **As per claim 16**, Leon in view of Schwartz in view of Lee in view of Walker and further in view of Baer teaches the method of claim 15 as described above. Leon in view of Schwartz teaches international business reply mail and the first and second carriers as described above. Leon in view of Schwartz in view of Lee and further in view of Walker does not teach determining a total amount of postage due for the counted mail.

56. Baer teaches determining a total amount of postage due for the counted mail (Baer: column 4, lines 63-68 – column 5, lines 1-9).

57. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz in view of Lee in view of Walker and further in view of Baer to have included determining a total amount of postage due for the counted mail as taught by Baer for the advantage of maintaining a record for a batch of mail (Baer: column 6, lines 56-60).

58. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leon in view of Schwartz in view of Lee et al., U.S. Patent No. 6,430,543 and further in view of Fredman, U.S. Patent No. 6,526,393.



59. **As per claim 17**, Leon in view of Schwartz and further in view of Lee teaches the method of claim 7 as described above. Leon in view of Schwartz teaches international business reply mail as described above. Leon in view of Schwartz in view of Lee does not teach indicating on the mail an expiration date that the sender's meter will be charged for processing specific batches of mail.

60. Fredman teaches indicating on the mail an expiration date that the sender's meter will be charged for processing specific batches of mail (Fredman: Figure 1 and column 2, lines 17-19).

61. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Leon in view of Schwartz and further view of Lee to have included indicating on the mail an expiration date that the sender's meter will be charged for processing specific batches of mail as taught by Fredman for the advantage of providing an important incentive to facilitate and increase a recipient's rate of response (Fredman: column 2, lines 38-40).

***Allowable Subject Matter***

62. The Examiner notes, if Applicant amends the limitations of claim 21 to further include an active step of using the first number and the second number, such as scanning or debiting a meter with respect to the first and second numbers, there would be allowable subject matter if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

63. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

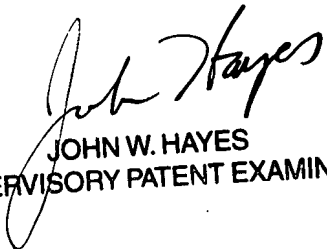
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EL

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER